

22 MAG 8171

William C. Kinder

Approved: _____

William C. Kinder
Assistant United States Attorney

Before: THE HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

- - - - - X
: **COMPLAINT**
UNITED STATES OF AMERICA :
:
- v. - : Violations of
: 18 U.S.C §§ 922(g) (1),
: 924(a) (8), and 2.
JOSEPH ANDERSON, :
: COUNTY OF OFFENSE:
Defendant. : BRONX
:
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

EDGARDO BARBOT, being duly sworn, deposes and says
that he is a Detective with the New York City Police Department,
and charges as follows:

COUNT ONE
(Felon in Possession)

1. On or about August 25, 2022, in the Southern
District of New York and elsewhere, JOSEPH ANDERSON, the
defendant, knowing he had previously been convicted in a court
of a crime punishable by imprisonment for a term exceeding one
year, knowingly did possess a firearm, to wit, a Bearman BBG38
Derringer handgun, and the firearm was in and affecting
commerce.

(Title 18, United States Code, Sections 922(g) (1), 924(a) (8),
and 2.)

The bases for my knowledge and the foregoing charges
are, in part, as follows:

2. I am a Detective with the New York City Police

Department ("NYPD"), currently assigned to the Triggerlock Unit. This affidavit is based upon my conversations with other law enforcement personnel, my review of video footage, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of reports and records and discussions I have had with other law enforcement personnel, I have learned the following:

a. On or about August 25, 2022, at approximately 10:05 p.m., NYPD officers (the "Responding Officers") traveling in a police vehicle (the "Vehicle") observed a group of individuals who appeared to be drinking alcohol in public near 255 E. 149th Street in the Bronx, in violation of state and local laws.

b. The Responding Officers pulled over near the group of individuals. As the Vehicle neared the group, the Responding Officers observed one individual begin to flee on foot.

4. Based on my review of video footage and discussions I have had with other law enforcement personnel, I have learned the following:

a. Officer-1 exited the Vehicle to pursue the individual, who was running toward a residential building at 255 E. 149th Street.

b. As the individual neared an entrance of the building, Officer-1 observed the individual run out of his way toward a trash can (the "Trash Can") before continuing on to the entrance.

c. Surveillance video of the pursuit shows that as the individual fled from Officer-1, he pulled an object from in or around his waistband and dropped it into the Trash Can.

d. Officer-1 caught up to and apprehended the individual at the entrance to the residence. The Responding Officers began to search the immediate area and located a loaded firearm (the "Firearm") inside the Trash Can. The Responding

Officers then placed the individual, who was later identified as JOSEPH ANDERSON, the defendant, under arrest.

e. Shortly after placing ANDERSON under arrest, Officer-1 heard ANDERSON say to a nearby bystander, in sum and substance, "Tell my mom I got caught with a gun." Body-worn camera footage also captured ANDERSON's statement.

5. Based on my review of NYPD reports and records, I know that the Firearm recovered from the Trash Can was a Bearman BBG38 Derringer handgun, containing two live rounds of ammunition.

6. Based on communications with a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms and ammunition, I know that the Firearm was not manufactured in New York State.

7. Based on my review of law enforcement and court databases, I know that JOSEPH ANDERSON, the defendant, has at least two prior felony convictions.

a. On or about September 23, 2016, ANDERSON pled guilty in the United States District Court for the Southern District of New York to one count of participating in a racketeering enterprise, in violation of 18 U.S.C. § 1962(d). He was sentenced to a term of imprisonment of 48 months, to be followed by three years of supervised release.

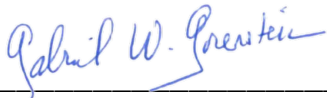
b. On or about August 5, 2013, ANDERSON pled guilty to one count of conspiracy to distribute and possess with intent to distribute crack cocaine, in violation of 21 U.S.C. §§ 846 and 841. He was sentenced to a term of imprisonment of 18 months, to be followed by four years' supervised release.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of JOSEPH ANDERSON, the defendant, and that he be imprisoned, or bailed, as the case may be.

/s/ Edgardo Barbot (sworn electronically)

Detective Edgardo Barbot
New York City Police Department

Sworn to me through the transmission
of this Complaint by reliable electronic
means, pursuant to Federal Rules of
Criminal Procedure 41(d)(3) and 4.1, this
11th day of October, 2022



THE HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK